

REMARKS

1. Applicant thanks the Office for its generous assistance provided during a telephone interview on December 29, 2009. During said interview, Applicant reiterated its disagreement with the finding in the August 25th Office Action wherein the Office asserted that ¶¶ 0085 -0111 of U.S. patent application publication no. 2003/0182391 ("Leber") teach or suggest the claim feature "determining resource availability". The Office responded that it believed that ¶¶ 0103 and 0104 of Leber taught or suggested the Claim feature. Applicant respectfully disagreed, pointing out that both paragraphs merely described retrieval of previously-entered information from a calendar in a completely conventional fashion. The Office maintained its position regarding ¶¶ 0103 and 0104 of Leber. Accordingly, agreement was not reached.

The Office however encouraged Applicant to amend the independent Claims to describe the Claimed subject matter in greater detail and agreed to consider a Supplement to the November 24th Response. Applicant informally submitted the present Supplement to the Office for preliminary review. During a telephone interview on January 7, 2010, the Office advised Applicant that the Amendment appears to overcome the pending rejection.

While Applicant still disagrees with the Office's position, it provides the present Supplement, describing the subject matter of Claim 1 in greater detail. The Remarks of the November 24th Response are fully incorporated herein by this reference thereto.

Applicant amends Claim 1 to describe

"A system for manipulating and updating data in a backend system, said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system;
and

an automated agent for:

accepting requests and issuing responses;

obtaining and using data input from said messaging client to determine said manipulating and updating of data;

asking a series of questions to said messaging client to determine intent;

initiating messaging communications to said other messaging clients and mediating a discussion related to said input data;

proactively sending, to said messaging client, messages comprising, but not limited to, alerts and reminders; and

determining availability of schedule slots for an event and of prospective event attendees by querying at least one calendar service; and entering schedule information for said event on said at least one calendar service;

said automated agent being coupled between said messaging server and said backend system.”

Support for the amendment is found at least at ¶¶ 0036-0047 of U.S. patent application pub. no. 2005/0027805. As Applicant has previously argued, Leber describes a calendaring agent that is capable only of entering specific information into a calendar at the direction of a user and responding to direct requests from the user. There is no teaching or suggestion in Leber of the subject matter of amended Claim 1. While Lee describes an agent that can determine availability of time slots and potential attendees, Lee’s agent lacks the capability of doing this directly. Lee’s agent can only determine the availability of scheduling slots and of potential attendees by messaging the potential attendees and awaiting their responses. There is no teaching or suggestion in Lee that the agent is capable of making such determination by directly querying a calendar service. Furthermore, there is no teaching or suggestion that Lee’s agent can enter a meeting directly into a potential attendee’s calendar. Lee teaches only that the agent can inform the attendee of the meeting and confirm the meeting with the attendee. The remaining references offer nothing additional. Therefore, the combination fails to teach or suggest all elements of Claim 1 as amended. Because Claim 1 describes subject matter that is neither taught nor suggested by the combination, it is deemed allowable under 35 U.S.C. § 103. Claims 13 and 25 are amended in similar fashion to Claim 1 and are deemed to be allowable for the same reasons as Claim 1. In view of their dependence from allowable parent Claims, the dependent Claims are deemed allowable without any separate consideration of their merits.


No new matter is added by way of the above amendments. Said amendments do not indicate agreement by Applicant with the Office's position, nor do they reflect intent to forsake claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in one or more future submissions to the Office.

2. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he or she is encouraged to contact the Applicant's attorney Michael A. Glenn at (650) 474-8400.

Respectfully submitted,



Michael A. Glenn
Reg. No. 30,176

Customer No. 22,862